

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KENNETH MALIK MILLER,</b>	:	<b>CIVIL ACTION NO. 1:10-CV-946</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>R.M. LAWLER, Superintendent, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 18th day of September, 2012, upon consideration of the Report and Recommendation of Magistrate Judge Malachy E. Mannion (Doc. 84) recommending that (1) defendant Riscigno's motion to dismiss be granted and (2) the Corrections Defendants' motion for summary judgment be granted, and, following an independent review of the record and noting that plaintiff filed objections<sup>1</sup> to the report on May 3, 2012 (Doc. 90), and the court finding Judge Mannion's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Mannion's Report (Doc. 84), it is hereby **ORDERED** that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation (Doc. 84) of Magistrate Judge Mannion are ADOPTED.
2. Defendant Riscigno's motion to dismiss (Doc. 42) is GRANTED.
3. Corrections Defendants' motion for summary judgment (Doc. 47) is GRANTED. The Clerk of Court is directed to enter JUDGMENT in favor of defendants and against plaintiff.
4. The Clerk of Court is directed to CLOSE this matter.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge